

Message Text

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ORIGIN EB-11

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CAB - MR. LITTON

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FM SECSTATE WASHDC

TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: ETRN, PE

SUBJ: CIVAIR: AEROPERU APPLICATION

REF: LIMA 9048

1. DEPT IS CONCERNED THAT UNNECESSARY PROBLEMS MAY
ARISE UNLESS AEROPERU AND GOP OFFICIALS CLEARLY UNDER-
STAND AND ARE PREPARED TO ABIDE BY PROVISIONS OF BILATERAL
AIR TRANSPORT AGREEMENT AND RELATED CAB REGULATIONS.

2. UNDER TERMS OF BILATERAL PERU ENJOYS TWO ROUTES TO
THE U.S.

A. VIA INTERMEDIATE POINTS TO MIAMI, WASHINGTON AND
BEYOND TO MONTREAL.

B. VIA GUYAQUIL AND MEXICO CITY TO LOS ANGELES.

PERU DOES NOT HAVE ROUTE RIGHTS TO NEW YORK AND SHOULD IT
DESIRE SUCH RIGHTS IT SHOULD REQUEST CONSULTATIONS FOR
THE PURPOSE OF AMENDING THE BILATERAL AGREEMENT. OUR
GRANTING OF SUCH RIGHTS WOULD DEPEND UPON WHETHER THERE
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WOULD BE ECONOMIC JUSTIFICATION FOR SUCH ACTION.

AGREEMENT IS PRESENTLY IN BALANCE, PRESUMABLY, AND THERE IS LITTLE IF ANYTHING MORE WE CAN GET FROM PERU. THUS THEY MUST BE PREPARED TO GIVE UP EQUIVALENT RIGHTS THEY PRESENTLY HAVE IF THEY EXPECT TO NEGOTIATE FOR

NEW YORK CITY RIGHTS. NEGOTIATIONS ARE LIKELY TO BE COMPLICATED AND TIME CONSUMING. OUR TENTATIVE NEGOTIATING SCHEDULE FOR THE WINTER AND EARLY SPRING IS VERY HEAVY (SOME 15 COUNTRIES) AND OUR STAFF IS LIMITED. REALISTICALLY, AEROPERU WOULD BE WELL ADVISED TO UTILIZE PRESENT ROUTES UNTIL IT CAN GAIN EXPERIENCE IN THE U.S. MARKET.

3. BEFORE EXISTING RIGHTS CAN BE USED, AEROPERU MUST BE DESIGNATED BY GOP THROUGH DIPLOMATIC CHANNELS AS THE CARRIER AUTHORIZED TO OPERATE THE ROUTES IN THE AGREEMENT. SUBSEQUENTLY AEROPERU MUST APPLY TO THE CAB FOR A FOREIGN AIR CARRIER PERMIT UNDER SECTION 402 FEDERAL AVIATION ACT. THE ATTORNEY MENTIONED IN REFTTEL IS ACQUAINTED WITH CAB PROCEDURES AND PRACTICE WHICH IS HIGHLY SPECIALIZED. ANY APPLICANT FOR FOREIGN AIR CARRIER PERMIT, WHETHER GOVERNMENT OWNED OR PRIVATELY OWNED MUST IN EVIDENTIARY PROCEEDINGS, DEMONSTRATE IT, FIT, WILLING AND ABLE PROPERLY TO PERFORM SUCH TRANSPORTATION. APPLICATIONS USUALLY TAKE SIX MONTHS OR MORE TO PROCESS, AND OPERATIONS CAN NOT BEGIN UNTIL PERMIT, WHICH REQUIRES PRESIDENTIAL APPROVAL AFTER CAB MAKES ITS RECOMMENDATION, IS ISSUED.

4. EMBASSY MAY WISH TO MAKE CLEAR TO AEROPERU AND GOP OFFICIALS THAT PROCESS IS COMPLICATED AND TIME CONSUMING. IT IS IMPERATIVE THAT PAPER WORK BE INITIATED WITHOUT DELAY IF CARRIER IS TO ADHERE TO PROPOSED TIMETABLE. CAB STAFF IS PREPARED TO COOPERATE FULLY AND WILL BE AVAILABLE FOR DISCUSSIONS WITH PERUVIAN EMBASSY OR AVIATION OFFICIALS UPON REQUEST. RUSH

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